

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Contributions to the Telecommunications)	CG Docket No. 11-47
Relay Services Fund)	

REPLY COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”), pursuant to the Notice of Proposed Rulemaking (“NPRM”) released March 3, 2011 (FCC 11-38), hereby respectfully submits reply comments in the above-captioned proceedings regarding contributions to the TRS fund based on “non-interconnected VoIP services” to implement the requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”)¹

The comments filed in this docket highlight the very broad range of voice services that may be classified as “non-interconnected VoIP services” under the definition proposed by the Commission in the NPRM.² Such VoIP services may be associated with products such as gaming platforms, web conferencing services and training services, and they may be integral or incidental to a product or service. There may or may not be end-user charges associated with these VoIP services; and service providers may or may not track call detail or the number of subscribers or users. Because of the wide variety of non-interconnected VoIP services and the varied revenue streams associated with them, it is difficult to determine the best way to meet the requirement of the CVAA to have

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010); 47 U.S.C. § 715.

² NPRM at ¶¶ 15-16.

providers of non-interconnected VoIP services contribute into the Telecommunications Relay Services Fund (“TRS Fund”).

Sprint agrees with Citrix Online’s recommendation that the most equitable way to obtain contributions from all service providers of non-interconnected VoIP that do not generate stand-alone revenue based on their non-interconnected VoIP features is to require a fixed, nominal contribution per service provider.³ Sprint further recommends that this nominal contribution be extended to providers of non-interconnected VoIP services that are integrated into their products and services.

If the Commission determines that this per service provider contribution methodology is not appropriate and that the required contribution must be based on non-interconnected VoIP revenues, Sprint agrees with Net Coalition that providers should not be required to impute revenue from other sources to the non-interconnected VoIP service because this would not be comparable to the treatment of other TRS fund contributors.⁴ In addition, the Commission should clarify that a service provider should not be required to contribute based on any information services or non-telecommunications services that may be associated with the non-interconnected VoIP services. Further, Sprint concurs with NetCoalition that “the Commission should look to the core functionality of the service, not its incidental features, to determine the scope of its rules.”⁵ Similarly, the VON Coalition recommends that in determining the non-interconnected services which would be subject to the TRS contribution requirement, “the Commission should consider

³ Comments of Citrix Online at 7.

⁴ Comments of Net Coalition at 3.

⁵ Id. at 2.

a number of factors, including the primary purpose for which the service, product or application is designed and marketed, and whether the non-interconnected VoIP product is intended to be used as a VoIP communication service.”⁶

Sprint opposes Verizon’s suggestion that “[t]he Commission should establish a per-subscriber contribution mechanism or some other system to ensure that all non-interconnected VoIP service providers, including those that offer services that have no direct charges to end users, contribute to the TRS Fund.”⁷ This methodology would require service providers that may not track subscribership to incur significant expenses in order to identify their customers. In addition, depending on the amount of the per-subscriber contribution, it might also require service providers to institute a fee to recover the required contribution.⁸ Thus, the administrative cost of identifying subscribers might exceed the contribution and might thwart the development of the non-interconnected VoIP service.

Sprint is in agreement with the recommendation of several commenting parties that non-interconnected VoIP providers should report their revenues on the Form 499-A in Block 5, “Additional Revenue Breakouts,” rather than in Block 4, “End-User and Non-Telecommunications Revenue Information,” where interconnected VoIP providers would report their revenues.⁹ This treatment would clearly distinguish non-interconnected VoIP services from interconnected VoIP services, and it would avoid any confusion concerning the regulatory classification of non-interconnected VoIP services. In addition, Sprint

⁶ Comments of VON Coalition at 3.

⁷ Comments of Verizon at 7.

⁸ ITI also opposes any requirement that would require the development of systems to track incidental VoIP. ITI at 4.

⁹ Comments of Telecommunications Industry Association at 2; Consumer Electronics Association at 5.

agrees with commenting parties that recommend a new category should be added to Block 1, which contains “Contributor Identification Information.” Specifically, a box labeled “Non-interconnected VoIP TRS” should be added to line 105, which identifies the specific “Telecommunications activities of filer.”¹⁰ In this way, if a service provider provides both telecommunications services and non-interconnected VoIP, it will be clear that both are provided.

Respectfully submitted,

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¹⁰ See, Comments of the Consumer Electronics Association at 5; The Telecommunications Industry Association at 2; and VON Coalition at 5.